

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

EVAN SPIES, )  
Plaintiff, )  
v. )  
CREDITORS FINANCIAL GROUP, LLC )  
Defendant. )

**COMPLAINT**

Plaintiff, Evan Spies, by and through his attorney, Mark T. Lavery, brings this Complaint against Defendant, Creditors Financial Group, LLC, for violation of the Fair Debt Collection Practices Act.

Parties

1. Plaintiff, Evan Spies, is a consumer residing in this district. Plaintiff demands a jury.

2. Defendant, Creditors Financial Group, LLC, is a debt collector as defined by the Fair Debt Collection Practices Act (hereinafter "FDCPA") doing business in this district. CT Corporation is Registered Agent for Defendant with an address of 208 S. La Salle St., Suite 814, Chicago, IL 60604.

Jurisdiction and Venue

3. Federal question jurisdiction exists pursuant to 28 U.S.C. § 1331 because Plaintiff's claim arises under the FDCPA, 15 U.S.C. § 1692. Declaratory relief is available pursuant to 28 U.S.C. §§2201 and 2202.

4. Venue is proper in this district under 28 U.S.C. § 1391(b) because the acts giving rise to this action occurred in substantial part in this district.

Factual Allegations

5. On August 12, 2010, Plaintiff received a call on his cell phone from Defendant from the number 877-298-2251 at 3:22 p.m.

6. Defendant left a message for Plaintiff on his voicemail system.

7. Defendant's message stated, "This message is for Evan Spies. This is Cindy with Creditor's Financial. It is imperative that you contact my office back at 877-298-2251. My direct extension 3505. I will be her til 9pm eastern time today."

8. Defendant did not disclose in the message left on 8/12/2010 that the call was from a debt collector.

9. Defendant called Plaintiff on 8/12/2010 in an attempt to collect a consumer debt.

10. Defendant's phone call to Plaintiff was a communication as defined by the FDCPA.

11. Defendant violated the FDCPA when it failed to disclose in the communication made on 8/12/2010 that the message left on the voicemail system was a communication from a debt collector.

12. Since 2006, Courts have recognized that a debt collector violates the FDCPA when a debt collector leaves a message and fails to disclose that the message is from a debt collector. See *Foti v. NCO Financial Systems, Inc.*, 424 F. Supp. 2d 643, 653 (S.D.N.Y. 2006); *Costa v. Nat'l Action Fin. Servs.*, 634 F. Supp. 2d 1069, 1074 (E.D. Cal. 2007); *Edwards v. Niagara Credit Solutions*, 586 F. Supp. 2d 1346 (N.D. Ga. 2008); and *Anchondo v. Anderson Crenshaw & Assoc's.*, 583 F. Supp. 2d 1278 (D.N.M. 2008).

13. Defendant violated 1692e(11) because the messages left for plaintiff by Defendant did not convey the information required by the FDCPA.

14. Defendant also violated 1692e(10) because the message created a false sense of urgency.

WHEREFORE, Plaintiff, Evan Spies, asks that the Court enter judgment in his favor and against Defendant, Creditor's Financial Group LLC, as follows:

- (A) Damages under the FDCPA, 15 U.S.C. 1692(k);
- (B) A declaration that Defendant violated 1692e(11) on 8/12/2010;
- (C) Reasonable attorney's fees and costs; and
- (D) Any other relief that this Court deems appropriate and just.

Respectfully submitted,  
Plaintiff Evan Spies,

By: /s/ Mark T. Lavery  
His Attorney

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